

MARYELLEN O'SHAUGHNESSY

EXHIBIT A

**FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS**

**CASE TITLE: ELMEDIN TINJAK ET AL -VS- BIANCHI USA LLC ET AL      CASE NUMBER: 22CV003972**

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:  
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:  
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:  
BACKCOUNTRYCOM LLC  
C/O CT CORPORATION SYSTEM  
1108 E SOUTH UNION STREET  
MIDVALE, UT 84047

CYCLEEUROPE USA LLC  
2536A BARRINGTON COURT  
HAYWARD, CA 94545

BIANCHI USA LLC  
2536A BARRINGTON COURT  
HAYWARD, CA 94545

JUVENILE CITATIONS ONLY:

HEARING TYPE:

\_\_ Date already scheduled at : Courtroom:

**Electronically Requested by: JACOB J BEAUSAY**  
**Attorney for:**

1. Plaintiff Elmedin Tinjak is a person residing at 2203 Olde Sawmill Road, Dublin, Franklin County, Ohio 43016. At all times relevant to this action, Mr. Tinjak was married to

Plaintiff Miranda Tinjak.

2. F.I.V. Edoardo Bianchi S.p.A. (hereinafter “Bianchi”), based in Italy, is the manufacturer, designer and seller of carbon bicycle frames and parts. Bianchi is not subject to judicial process in Ohio.
3. Defendant Bianchi USA, Inc. (hereinafter “Bianchi USA”) is a California corporation with its headquarters in Hayward, California. Bianchi conducts its business in North America as Bianchi USA, Inc. Bianchi USA, Inc. is owned in whole or in part by Bianchi.
4. Defendant Cycleurope, Inc. (hereinafter “Cycleurope”) is a California corporation with its headquarters in Hayward, California. Cycleurope is a distributor, seller, and/or supplier of Bianchi products in North America. Cycleurope is the parent entity of Bianchi USA, Inc., and is owned in whole or in part by Bianchi.
5. Defendant Backcountry.com, LLC, is a Utah corporation doing business as Competitivecyclist.com (hereinafter “Competitivecyclist.com”). Backcountry.com is the owner and operator of Competitivecyclist.com. Competitivecyclist.com is an online retailer of bicycles, including Bianchi bicycles.

### **FACTS**

6. On May 28, 2019, Plaintiff Elmedin Tinjak purchased a Bianchi Oltre XR4 (SN WBK450928N) road frameset from the online retailer, Competitivecyclist.com.
7. The Bianchi Oltre XR4 frameset included the bicycle frame and front fork. These parts were designed, manufactured, and sold by Bianchi.
8. The transaction giving rise to this transaction took place in Franklin County, Ohio.
9. In addition to the Bianchi XR4 frameset, Mr. Tinjak purchased several other bicycle components from Competitivecyclist.com.

10. The Bianchi bicycle and other parts were assembled by Competitivecyclist.com employees on June 5, 2019, and shipped directly to Mr. Tinjak.
11. On June 20, 2020, Elmedin Tinjak was riding his Bianchi Oltre XR4 with two friends near Plain City, Ohio.
12. Mr. Tinjak was riding his Bianchi Oltre XR4 on a clear day, on dry, flat pavement in good condition.
13. As Mr. Tinjak was riding along, the left side of his Bianchi carbon fork suddenly broke in half, causing the right side to fail sympathetically.
14. The failure of the carbon fork caused the front wheel of Mr. Tinjak's Bianchi Oltre XR4 to detach from his bike, sending him over the handlebars and headfirst into the pavement at over 20 mph.
15. Mr. Tinjak suffered severe injuries to his face, tongue and fractured his T7 vertebrae.
16. Upon testing of the carbon fork, the carbon fork failed halfway down the left side of the carbon fork arm due to a catastrophic failure of the carbon fiber in that area. Due to the tremendous stresses the failure of left side of the carbon fork placed on the right side, it failed too, causing the whole fork to break in half.
17. Forensic testing showed that the carbon in the fork was compromised by a plastic film embedded between layers of the carbon fork in the area where the carbon fork failed.
18. The failure could have also been caused by internal damage caused to the carbon by the assembly and/or shipping of the bicycle.
19. Bianchi designed, manufactured and sold the subject carbon fork.
20. Bianchi USA and/or Cycleurope distributed Bianchi bicycles, including the subject Oltre XR4, to dealers in the United States, including Competitivecyclist.com.
21. Prior to this incident, Mr. Tinjak took exceptional care of the subject bicycle. It was

always kept indoors, except when riding. It was never raced. It had approximately 1460 miles on it at the time of the carbon failure.

22. Bianchi has previously issued recalls for certain carbon forks due to defects.

### **LIABILITY OF BIANCHI USA, INC. AND CYCLEUROPE USA, LLC**

23. Bianchi USA, Inc. and Cycleurope USA, LLC, are liable to plaintiffs as both a manufacturer (under the sections of the Ohio Revised Code set forth below), and a supplier under:

- RC 2307.78(B)(1) (manufacturer not subject to judicial process in Ohio)
- RC 2307.78(B)(4) (supplier owned in whole or in part by the manufacturer of the product)
- RC 2307.78(B)(7) (supplier marketed the product under its own label or trade name), and
- RC 2307.78(B)(8) (supplier failed to respond to a written request to disclose the name and address of the manufacturer)

24. The Bianchi Oltre XR4 was defective in the following ways:

### **RC 2307.75 (PRODUCT DEFECTIVE IN DESIGN OR FORMULATION)**

25. Under Ohio law, a product is defective in design or formulation if, at the time it left the control of its manufacturer, the foreseeable risks associated with its design or formulation exceeded the benefits associated with that design or formulation. (RC 2307.75).
26. The subject Bianchi Oltre XR4 carbon fork broke during routine riding in perfect conditions. The bicycle was well cared-for and had less than 1500 miles on it.
27. Bianchi knew or should have known the risks of fork failure at high speeds on a bicycle would pose a significant safety risk to its customers.
28. In September 2017, prior to Mr. Tinjak's incident, Bianchi recalled many of its carbon



forks over failures.

29. The carbon in the area of the subject Oltre XR4 was not strong enough to withstand ordinary riding in perfect conditions without failure.
30. The design of the Oltre XR4 fork was defective if it could fail within one year of purchase and less than 1500 miles despite excellent care by the consumer.
31. The carbon fiber design was defective if it was designed to spontaneously fail after one year of light use.

**RC 2307.74 (PRODUCT DEFECTIVE IN MANUFACTURE OR CONSTRUCTION)**

32. Under Ohio law, a product is defective in manufacture or construction if:

A product is defective in manufacture or construction if, when it left the control of its manufacturer, it deviated in a material way from the design specifications, formula, or performance standards of the manufacturer, or from otherwise identical units manufactured to the same design specifications, formula, or performance standards. A product may be defective in manufacture or construction as described in this section even though its manufacturer exercised all possible care in its manufacture or construction.

33. The subject Bianchi Oltre XR4 was defective under R.C. 2307.74.
34. Testing confirmed that the carbon in the fork of Mr. Tinjak's Bianchi XR4 was compromised by a plastic film embedded in the carbon in the area where the carbon fork broke.
35. The plastic film present in the left side of the Bianchi Oltre XR4 was the cause of the carbon failure by failing to allow the layers of carbon to adhere to each other properly.
36. The plastic film in the left side the of Mr. Tinjak's Bianchi Oltre XR4 was a defect in the manufacture or construction of his bike.

**LIABILITY OF BACKCOUNTRY.COM, LLC**

37. Defendant Backcountry.com, LLC is liable as a supplier pursuant to RC 2307.78, and for the negligence of its employees.

38. Defendant Backcountry.com, LLC is supplier of Bianchi bicycles.
39. Defendant Backcountry.com, LLC, sold Mr. Tinjak the defective Bianchi Oltre XR4.
40. Backcountry.com, LLC, is liable to plaintiffs under RC 2307.78 (liability of supplier), sections A and B.
41. Backcountry.com, LLC, is liable to plaintiffs under RC 2307.78(B)(1) because the manufacturer of the subject water heater (Bianchi, a company domiciled in Italy) is not subject to judicial process in Ohio.
42. Defendant Backcountry.com, LLC's employees assembled and shipped Mr. Tinjak's Bianchi Oltre XR4.
43. Backcountry.com, LLC's employees were negligent in assembling and/or shipping Mr. Tinjak's Bianchi XR4, which damaged the front fork and caused the failure of the subject fork.
44. Defendant Backcountry.com, LLC, is liable for the negligent acts of its employees, agents and/or apparent agents.

### **PROXIMATE CAUSE**

45. As a direct and proximate result of the defective product, Mr. Tinjak suffered severe injuries when the carbon fork failed, sending him headfirst into the pavement on June 20, 2022.
46. As a direct and proximate result of Defendant Backcountry.com, LLC's employees' negligence, Mr. Tinjak suffered severe injuries on June 20, 2022.
47. As a direct and proximate of the defendants' conduct and injuries to Elmedin Tinjak, Miranda Tinjak suffered a loss of spousal consortium.

### DAMAGES

48. Plaintiffs seek all damages available under Ohio law. These include but are not limited to past and future economic damages, and past and future non-economic damages, including but not limited to emotional distress, mental anguish, and loss of consortium.

WHEREFORE, the plaintiffs collectively request a jury and demand judgment against defendants in excess of \$25,000, plus interest and costs.

### Jury Demand

Plaintiffs request a trial by jury.

Respectfully submitted,

/s/ Jacob J. Beausay

Jacob J. Beausay (85213)

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